

UNITED STATES DISTRICT COURT

DISTRICT OF

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

Greenwood, Delaware

REDACTED

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number: 07- 125M

I, Task Force Officer Ronald Marzec being duly sworn depose and say:I am a(n) Task Force Officer, DEA and have reason to believe

Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

103 Sussex Avenue Greenwood Delaware

in the _____ District of Delaware

there is now concealed a certain person or property, namely (describe the person or property to be seized)

2005 Acura TL, Delaware registration 248675, VIN# 19UUA66235A063350

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

evidence, fruits and/or instrumentalities of a crime

concerning a violation of Title 21 United States code, Section(s) 846 & 841

The facts to support a finding of probable cause are as follows:

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Signature of Affiant

Sworn to before me and subscribed in my presence,

July 23, 2007

Date

at Wilmington, Delaware

City

State

Hon. Mary Pat Thyng

U.S. Magistrate Judge

Name of Judge

Title of Judge

Signature of Judge

AFFIDAVIT

Your affiant, Task Force Officer Ronald A. Marzec of the Drug Enforcement Administration (DEA) / Delmar Police Department, does solemnly swear that:

Background

1. Your affiant is a Task Force Officer with the Drug Enforcement Administration (DEA), United States Department of Justice and as such, I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in the United States Code. I have been a Task Force Officer for the past ten years and am currently assigned to the Dover, Delaware Task Force. Your affiant is employed by the Town of Delmar Police Department. During your affiant's employment with the Delmar Police Department and affiliation with DEA, your affiant has received training in connection with the identification, manufacture, and distribution of illegal drugs, including cocaine and cocaine base. I have attended at least ten schools and seminars that specialized in all aspects of narcotics investigations. Your affiant continues to keep abreast of current trends and practices of drug traffickers by reading periodicals, intelligence reports and training literature. Finally, your affiant has daily contact with other Agents and law enforcement personnel as well as confidential informants and sources of information in an attempt to remain up to date with current trends of narcotics traffickers. During your affiant's assignment as a DEA Task Force Officer, your affiant has participated in over three hundred narcotics investigations. Your affiant has been certified as an expert in State and Federal Court on at least five occasions involving cocaine and cocaine base.

2. The information contained in this affidavit is based on my personal knowledge as well as information provided by other law enforcement officials who participated in this investigation. This affidavit is submitted in support of a seizure warrant for a 2005 Acura TL, Delaware registration 248675, VIN# 19UUA66235A063350 located at Greenwood, Delaware, and for a search warrant authorizing law enforcement to enter Greenwood, Delaware, where law enforcement has observed that the vehicle is stored, to seize the 2005 Acura TL.

Information about Drug Trafficking by Fernando PAYANO, Guarionex PAYANO and Jason NORRIS

3. During the months of April and May 2006, your affiant spoke with Detective Wright, Delaware State Police in reference to confidential source, hereinafter referred to as CS#2, who is past proven and reliable. CS#2 advised Detective Wright that CS#2 was familiar with a Dominican male known to CS#2 as Fernando who was involved in the distribution of large quantities of cocaine. CS#2 further advised that Fernando lived in the Seaford, Delaware area. Detective Wright displayed a photo of Fernando PAYANO to CS#2 and CS#2 identified the subject in the photo as the subject known to CS#2 as

Fernando. Detective Wright advised your affiant that Detective Wright has been present when CS#2 has conducted drug related conversations with Fernando PAYANO.

4. During the months of September and October, 2006, law enforcement officers conducted periodic surveillance of Guarionex PAYANO. Law enforcement officers observed Guarionex PAYANO frequenting a residence identified as Blades, Delaware. Law enforcement officers continued surveillance at Blades, Delaware. Your affiant observed a large amount of traffic arriving by vehicle and foot at Blades, Delaware. Your affiant observed the traffic to remain for a short period of time and depart within minutes. Your affiant is familiar with this type of traffic as being indicative of the distribution of illegal drugs.

5. On November 2, 2006, law enforcement officers conducted surveillance of Guarionex PAYANO. Law enforcement officers observed Guarionex PAYANO travel to Blades, Delaware. A large amount of traffic was observed arriving and departing Blades, Delaware. Guarionex PAYANO was observed departing and traveled in a direct route to his residence Seaford, Delaware. Your affiant is familiar with Seaford, Delaware as a residence utilized by Guarionex and Fernando PAYANO on a daily basis through law enforcements surveillance and observations of Guarionex and Fernando PAYANO arriving and departing Seaford, Delaware. Your affiant observed a black Acura TL parked at Seaford, Delaware. Your affiant is familiar with the black Acura as being operated by Fernando PAYANO. Guarionex PAYANO entered his residence and departed within minutes. Guarionex PAYANO traveled back to Blades, Delaware. Your affiant noted that Guarionex PAYANO's travel back to Blades, Delaware was suspicious. Specifically, your affiant observed Guarionex PAYANO travel through neighborhoods that were out of the way, that is, he did not use a direct route to his destination. Your affiant observed PAYANO make what appeared to be un-necessary stops during the travel. Your affiant observed PAYANO make contact with no other people and observed that PAYANO did not exit his vehicle during this travel. Your affiant knows that this type of activity/driving is common activities with drug dealers attempting to detect surveillance and to protect their drugs. Shortly after Guarionex PAYANO arrived at Blades, Delaware Fernando PAYANO arrived at the same location operating the black Acura TL bearing Delaware registration 248675. Your affiant observed a white pick-up truck arrive at Blades, Delaware operated by a subject later identified as Jason NORRIS. Your affiant observed Fernando and Guarionex PAYANO meet with NORRIS and appear to engage in a transaction. Law enforcement officers followed NORRIS to Blades, Delaware. Your affiant conducted a computer query through the Delaware Criminal Information System (DELJIS) in reference to Jason NORRIS and found that NORRIS's listed his address as Blades, Delaware.

6. On November 3, 2006 law enforcement officers conducted surveillance of Blades, Delaware. Law enforcement officers observed traffic arriving by vehicles and foot at Blades, Delaware. Law enforcement officers observed the traffic remain for short periods of time and depart the residence. During the

surveillance law enforcement officers stopped a subject, hereinafter referred to as CS#4, after departing [redacted] Blades, Delaware. CS#4 was subsequently searched and a quantity of cocaine was located on CS#4. CS#4 advised that CS#4 purchased the cocaine from NORRIS at his residence.

Search of Jason NORRIS' Residence

7. On November 3, 2006 law enforcement officers executed a State of Delaware search and seizure warrant at [redacted] Blades, Delaware. Pursuant to a search of the aforementioned residence, several digital scales with suspected cocaine residue, approximately one gram of cocaine, approximately 40 grams of marihuana, plastic baggies for packaging cocaine and marihuana and cutting agents for diluting cocaine were located.

Use of Black Acura TL by Fernando PAYANO for Drug Activity

8. On December 8, 2006 law enforcement officials conducted an undercover purchase of cocaine from a subject, hereinafter referred to as CS#5, in the Sussex County, Delaware area. Surveillance of CS#5's travels was conducted prior to the undercover purchase of cocaine. CS#5 was observed traveling to Seaford, Delaware where CS#5 was observed parked in front of [redacted] Seaford, Delaware. Seaford, Delaware is located at the intersection of Arch Street and Third Street Seaford, Delaware. Surveillance units observed Fernando PAYANO enter a black Acura TL bearing Delaware registration 248675 at his residence located at [redacted] Seaford, Delaware and travel to the area of [redacted] Seaford, Delaware. Surveillance units observed PAYANO and CS#5 travel to the intersection of Third Street and Arch Street. CS#5 was observed departing the area of [redacted] and traveling to a pre-arranged meeting location where CS#5 sold a quantity of cocaine to an undercover officer. Fernando PAYANO, operating the black Acura TL, was observed traveling back to [redacted] Seaford, Delaware at the same time CS#5 departed [redacted]. CS#5 was subsequently arrested. Upon debriefing CS#5, CS#5 advised law enforcement officers that CS#5 purchased his/her cocaine from Fernando in Seaford, Delaware. Law Enforcement officers displayed a photo of Fernando PAYANO to CS#5 and CS#5 identified the subject in the photo as Fernando who sold CS#5 his/her cocaine. CS#5 further advised that CS#5 would park in the area of Spruce Street and Arch Street Seaford, Delaware and "Fernando" would arrive operating a black Acura and conduct the drug transaction at this location. Your affiant is familiar with this location as [redacted] Seaford, Delaware.

Further Information Obtained on Fernando PAYANO's Drug Activity

9. During the month of January 2007 a Sussex County Grand Jury indicted Fernando PAYANO for Trafficking in Cocaine and related offenses.

10. During the week beginning February 25, 2007 your affiant spoke to a Confidential Source hereinafter referred to as CS#6. CS#6 advised your affiant that CS#6

is familiar with two Dominican males known as Fernando and Guarionex PAYANO who were involved in the distribution of multi kilogram quantities of cocaine in the Sussex County, Delaware area. CS#6 stated that Fernando and Guarionex PAYANO are brothers. CS#6 stated that Fernando resides on Poplar Street in Seaford, Delaware. CS#6 stated that his brother resides in a trailer around the Brickyard Road area of Seaford, Delaware. CS#6 stated to your affiant that Fernando PAYANO and his brother obtain kilogram quantities of cocaine from the New York, New York area and resells the cocaine in the Sussex County, Delaware area.

11. On March 5, 2007 law enforcement officers conducted surveillance of Seaford, Delaware. Your affiant observed Fernando PAYANO and Guarionex PAYANO exit Seaford, Delaware. Your affiant observed Fernando PAYANO depart Seaford, Delaware operating his 2005 Acura TL bearing Delaware registration 248675. Surveillance units later observed the Acura parked at Fernando PAYANO mother's residence located at Greenwood, Delaware.

12. Your affiant queried the Delaware Department of Motor Vehicles in reference to Delaware registration 248675. Your affiant learned the Delaware registration 248675 is registered to Marina MATOS at Greenwood, Delaware and is issued to a 2005 Acura TL, VIN# 19UUA66235A063350. Marina MATOS was identified by CS#6 as Fernando and Guarionex PAYANO's mother. Your affiant has never observed anyone other than Fernando PAYANO operating the 2005 Acura TL. Your affiant knows through his training and experience that it is common for drug dealers to place assets in other subjects names to avoid having the assets seized by law enforcement.

13. On March 7, 2007 law enforcement officers conducted surveillance of Seaford, Delaware. Your affiant observed Fernando PAYANO exit and enter the passenger seat of a Lexus operated by a female. Your affiant observed the Lexus travel to where your affiant observed Fernando PAYANO exit the Lexus and enter the passenger seat of a vehicle parked at this location. Surveillance units followed Fernando PAYANO in this vehicle to North Seaford, Delaware). Your affiant observed Fernando exit the vehicle and enter the residence at this location. Approximately one hour later your affiant observed Fernando PAYANO depart North (Pine Ridge MHP) Seaford, Delaware operating the white Grand-Am bearing Delaware registration 387182. Your affiant stopped Fernando PAYANO and arrested Fernando PAYANO. Your affiant searched PAYANO and the Pontiac Grand-Am. Your affiant located a toll receipt for the New Jersey Turnpike receipt from February 2007. Your affiant located a United State's Postal Money Order issued in February 2007 with the hand written name Guarionex PAYANO on the receipt. Your affiant located paperwork for a Glock Pistol from the Dominican Republic and several automobile keys for an Acura. Your affiant searched the photos contained on Fernando PAYANO's two cellular telephones located in Fernando PAYANO's pockets. Your affiant observed several photos of numerous subjects, including Fernando PAYANO, displaying large pieces of jewelry. Your affiant knows through his training and experience that drug

dealers will often take photos of themselves and other drug dealers with proceeds of their drug trafficking.

14. Your affiant asked Fernando PAYANO where he was coming from when your affiant stopped him and Fernando PAYANO replied that he was coming from Enterprise Car Rental. Your affiant never observed Fernando PAYANO depart.

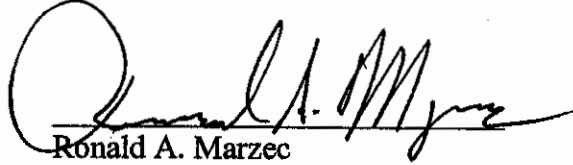
North Seaford, Delaware. Your affiant advised Fernando PAYANO that your affiant observed Fernando enter the trailer in Pine Ridge MHP. Your affiant asked Fernando who else was located in the trailer and Fernando replied that his brother was in the trailer.

15. On March 7, 2007 your affiant appeared before the Honorable Judge Boody, Justice of the Peace Court#3, and swore to an affidavit in support of a search and seizure warrant for North Seaford, Delaware (Pine Ridge MHP) and Seaford, Delaware. Judge Boody accepted the affidavit and authorized the search of both locations.

16. On March 7, 2007 law enforcement officers executed a search and seizure warrant at North Seaford, Delaware. Your affiant seized documents identifying Guarionex PAYANO and Dairiun REYES as being residents of this location. Law enforcement officers seized approximately 20 grams of cocaine and digital scales from this location. The cocaine was tested by a certified chemist of the Drug Enforcement Administration and found to be Cocaine, schedule II controlled substance.

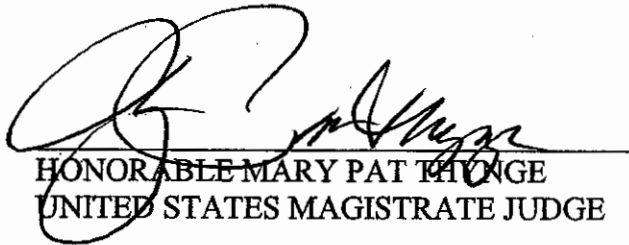
17. On March 7, 2007 law enforcement officers executed a search and seizure warrant at Seaford, Delaware. Law enforcement officers seized documents identifying Paula PUELLO and Fernando PAYANO as residents of Seaford, Delaware. Law enforcement officers seized 3.4 grams of cocaine, packaging material and approximately \$1500.00 U.S. currency from this location. The cocaine was tested by a certified chemist of the Drug Enforcement Administration and found to be Cocaine, schedule II controlled substance.

18. Thus, based on the foregoing, your affiant submits that there is probable cause to believe that the 2005 Acura TL bearing Delaware registration 248675 was used in the commission of a Drug Trafficking Crime as evidenced in violation of title 21, United States Code section 841, and is subject to seizure and forfeiture pursuant to title 21, United States Code, section 881(a).



Ronald A. Marzec
Task Force Officer, DEA

Subscribed to and sworn before me this 23 day of July, 2007.



HONORABLE MARY PAT THYNGE
UNITED STATES MAGISTRATE JUDGE